



General Assembly

February Session, 2006

**Amendment**

LCO No. 4251

**\*SB0046004251SR0\***

Offered by:

SEN. DELUCA, 32<sup>nd</sup> Dist.  
SEN. MCKINNEY, 28<sup>th</sup> Dist.  
SEN. CAPPIELLO, 24<sup>th</sup> Dist.  
SEN. COOK, 18<sup>th</sup> Dist.  
SEN. FASANO, 34<sup>th</sup> Dist.  
SEN. FREEDMAN, 26<sup>th</sup> Dist.

SEN. GUGLIELMO, 35<sup>th</sup> Dist.  
SEN. GUNTHER, 21<sup>st</sup> Dist.  
SEN. HERLIHY, 8<sup>th</sup> Dist.  
SEN. KISSEL, 7<sup>th</sup> Dist.  
SEN. NICKERSON, 36<sup>th</sup> Dist.  
SEN. RORABACK, 30<sup>th</sup> Dist.

To: Subst. Senate Bill No. 460

File No. 234

Cal. No. 197

**"AN ACT ALLOWING MINORS FIFTEEN YEARS OF AGE TO  
WORK IN RETAIL STORES ON SATURDAYS."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective July 1, 2006*) No person shall employ a  
4 fifteen-year-old minor in any mercantile establishment pursuant to  
5 subsection (b) of section 31-23 of the general statutes, as amended by  
6 this act, unless such person has checked the registry of persons  
7 required to register as sexual offenders under chapter 969 of the  
8 general statutes that is maintained by the Department of Public Safety  
9 under section 54-257 of the general statutes and determined that no  
10 employee of such mercantile establishment is a registered sexual  
11 offender.

12 Sec. 502. Section 53-21 of the general statutes is repealed and the  
13 following is substituted in lieu thereof (*Effective July 1, 2006*):

14 (a) Any person who (1) wilfully or unlawfully causes or permits any  
15 child under the age of sixteen years to be placed in such a situation  
16 that the life or limb of such child is endangered, the health of such  
17 child is likely to be injured or the morals of such child are likely to be  
18 impaired, or does any act likely to impair the health or morals of any  
19 such child, or (2) has contact with the intimate parts, as defined in  
20 section 53a-65, of a child under the age of sixteen years or subjects a  
21 child under sixteen years of age to contact with the intimate parts of  
22 such person, in a sexual and indecent manner likely to impair the  
23 health or morals of such child, or (3) permanently transfers the legal or  
24 physical custody of a child under the age of sixteen years to another  
25 person for money or other valuable consideration or acquires or  
26 receives the legal or physical custody of a child under the age of  
27 sixteen years from another person upon payment of money or other  
28 valuable consideration to such other person or a third person, except in  
29 connection with an adoption proceeding that complies with the  
30 provisions of chapter 803, shall be guilty of a class C felony for a  
31 violation of subdivision (1) or (3) of this subsection and a class B felony  
32 for a violation of subdivision (2) of this subsection, except that, if the  
33 violation is of subdivision (2) of this subsection and the victim of the  
34 offense is under thirteen years of age, such person shall be guilty of a  
35 class A felony and, for a first offense, be sentenced to a term of  
36 imprisonment of twenty-five years which may not be suspended or  
37 reduced by the court and, for a subsequent offense, be sentenced to a  
38 term of life imprisonment.

39 (b) The act of a parent or agent leaving an infant thirty days or  
40 younger with a designated employee pursuant to section 17a-58 shall  
41 not constitute a violation of this section.

42 Sec. 503. Section 53a-70 of the general statutes is repealed and the  
43 following is substituted in lieu thereof (*Effective July 1, 2006*):

44 (a) A person is guilty of sexual assault in the first degree when such  
45 person (1) compels another person to engage in sexual intercourse by  
46 the use of force against such other person or a third person, or by the  
47 threat of use of force against such other person or against a third  
48 person which reasonably causes such person to fear physical injury to  
49 such person or a third person, or (2) engages in sexual intercourse with  
50 another person and such other person is under thirteen years of age  
51 and the actor is more than two years older than such person, or (3)  
52 commits sexual assault in the second degree as provided in section  
53 53a-71 and in the commission of such offense is aided by two or more  
54 other persons actually present, or (4) engages in sexual intercourse  
55 with another person and such other person is mentally incapacitated to  
56 the extent that such other person is unable to consent to such sexual  
57 intercourse.

58 (b) (1) Except as provided in subdivision (2) of this subsection,  
59 sexual assault in the first degree is a class B felony for which two years  
60 of the sentence imposed may not be suspended or reduced by the  
61 court. [or, if the victim of the offense is under ten years of age, for  
62 which ten years of the sentence imposed may not be suspended or  
63 reduced by the court.]

64 (2) Sexual assault in the first degree is a class A felony if the [offense  
65 is a violation of subdivision (1) of subsection (a) of this section and the  
66 victim of the offense is under sixteen years of age or the offense is a  
67 violation of subdivision (2) of subsection (a) of this section. Any person  
68 found guilty under said subdivision (1) or (2) shall be sentenced to a  
69 term of imprisonment of which ten years of the sentence imposed may  
70 not be suspended or reduced by the court if the victim is under ten  
71 years of age or of which five years of the sentence imposed may not be  
72 suspended or reduced by the court if the victim is under sixteen years  
73 of age] victim of the offense is under sixteen years of age and any  
74 person found guilty of such class A felony shall be sentenced to a term  
75 of imprisonment of which five years of the sentence imposed may not  
76 be suspended or reduced by the court, except that, if the victim of the  
77 offense is under thirteen years of age, such person shall, for a first

78 offense, be sentenced to a term of imprisonment of twenty-five years  
79 which may not be suspended or reduced by the court and, for a  
80 subsequent offense, be sentenced to a term of life imprisonment.

81 (3) [Any] Except as provided in subdivision (2) of this subsection, a  
82 person found guilty under this section shall be sentenced to a term of  
83 imprisonment and a period of special parole pursuant to subsection (b)  
84 of section 53a-28 which together constitute a sentence of at least ten  
85 years.

86 Sec. 504. Section 53a-70a of the general statutes is repealed and the  
87 following is substituted in lieu thereof (*Effective July 1, 2006*):

88 (a) A person is guilty of aggravated sexual assault in the first degree  
89 when such person commits sexual assault in the first degree as  
90 provided in section 53a-70, and in the commission of such offense (1)  
91 such person uses or is armed with and threatens the use of or displays  
92 or represents by such person's words or conduct that such person  
93 possesses a deadly weapon, (2) with intent to disfigure the victim  
94 seriously and permanently, or to destroy, amputate or disable  
95 permanently a member or organ of the victim's body, such person  
96 causes such injury to such victim, (3) under circumstances evincing an  
97 extreme indifference to human life such person recklessly engages in  
98 conduct which creates a risk of death to the victim, and thereby causes  
99 serious physical injury to such victim, or (4) such person is aided by  
100 two or more other persons actually present. No person shall be  
101 convicted of sexual assault in the first degree and aggravated sexual  
102 assault in the first degree upon the same transaction but such person  
103 may be charged and prosecuted for both such offenses upon the same  
104 information.

105 (b) Aggravated sexual assault in the first degree is a class B felony  
106 or, if the victim of the offense is under sixteen years of age, a class A  
107 felony. Any person found guilty under this section shall be sentenced  
108 to a term of imprisonment of which five years of the sentence imposed  
109 may not be suspended or reduced by the court, except that, if [such

110 person committed sexual assault in the first degree by violating  
111 subdivision (1) of subsection (a) of section 53a-70, and] the victim of  
112 the offense is under [sixteen] thirteen years of age, [twenty years of the  
113 sentence imposed] such person shall, for a first offense, be sentenced to  
114 a term of imprisonment of twenty-five years which may not be  
115 suspended or reduced by the court and, for a subsequent offense, be  
116 sentenced to a term of life imprisonment. Any person found guilty  
117 under this section shall also be sentenced to a period of special parole  
118 pursuant to subsection (b) of section 53a-28 of at least five years.

119 Sec. 505. Section 53a-71 of the general statutes is repealed and the  
120 following is substituted in lieu thereof (*Effective July 1, 2006*):

121 (a) A person is guilty of sexual assault in the second degree when  
122 such person engages in sexual intercourse with another person and: (1)  
123 Such other person is thirteen years of age or older but under sixteen  
124 years of age and the actor is more than two years older than such  
125 person; or (2) such other person is mentally defective to the extent that  
126 such other person is unable to consent to such sexual intercourse; or (3)  
127 such other person is physically helpless; or (4) such other person is less  
128 than eighteen years old and the actor is such person's guardian or  
129 otherwise responsible for the general supervision of such person's  
130 welfare; or (5) such other person is in custody of law or detained in a  
131 hospital or other institution and the actor has supervisory or  
132 disciplinary authority over such other person; or (6) the actor is a  
133 psychotherapist and such other person is (A) a patient of the actor and  
134 the sexual intercourse occurs during the psychotherapy session, (B) a  
135 patient or former patient of the actor and such patient or former  
136 patient is emotionally dependent upon the actor, or (C) a patient or  
137 former patient of the actor and the sexual intercourse occurs by means  
138 of therapeutic deception; or (7) the actor accomplishes the sexual  
139 intercourse by means of false representation that the sexual intercourse  
140 is for a bona fide medical purpose by a health care professional; or (8)  
141 the actor is a school employee and such other person is a student  
142 enrolled in a school in which the actor works or a school under the  
143 jurisdiction of the local or regional board of education which employs

144 the actor; or (9) the actor is a coach in an athletic activity or a person  
145 who provides intensive, ongoing instruction and such other person is a  
146 recipient of coaching or instruction from the actor and (A) is a  
147 secondary school student and receives such coaching or instruction in  
148 a secondary school setting, or (B) is under eighteen years of age; or (10)  
149 the actor is twenty years of age or older and stands in a position of  
150 power, authority or supervision over such other person by virtue of  
151 the actor's professional, legal, occupational or volunteer status and  
152 such other person's participation in a program or activity, and such  
153 other person is under eighteen years of age.

154 (b) [Sexual] (1) Except as provided in subdivisions (2) and (3) of this  
155 subsection, sexual assault in the second degree is a class C felony [or,]  
156 and any person found guilty of such class C felony shall be sentenced  
157 to a term of imprisonment of which nine months of the sentence  
158 imposed may not be suspended or reduced by the court.

159 (2) Sexual assault in the second degree is a class B felony if the  
160 victim of the offense is thirteen years of age or older but under sixteen  
161 years of age, [a class B felony,] and any person found guilty [under this  
162 section] of such class B felony shall be sentenced to a term of  
163 imprisonment of which nine months of the sentence imposed may not  
164 be suspended or reduced by the court.

165 (3) Sexual assault in the second degree is a class A felony if the  
166 victim of the offense is under thirteen years of age, and any person  
167 found guilty of such class A felony shall, for a first offense, be  
168 sentenced to a term of imprisonment of twenty-five years which may  
169 not be suspended or reduced by the court and, for a subsequent  
170 offense, be sentenced to a term of life imprisonment.

171 Sec. 506. Section 53a-72a of the general statutes is repealed and the  
172 following is substituted in lieu thereof (*Effective July 1, 2006*):

173 (a) A person is guilty of sexual assault in the third degree when  
174 such person (1) compels another person to submit to sexual contact (A)  
175 by the use of force against such other person or a third person, or (B)

176 by the threat of use of force against such other person or against a third  
177 person, which reasonably causes such other person to fear physical  
178 injury to himself or herself or a third person, or (2) engages in sexual  
179 intercourse with another person whom the actor knows to be related to  
180 him or her within any of the degrees of kindred specified in section  
181 46b-21.

182 (b) [Sexual] (1) Except as provided in subdivisions (2) and (3) of this  
183 subsection, sexual assault in the third degree is a class D felony. [or,]

184 (2) Sexual assault in the third degree is a class C felony if the victim  
185 of the offense is thirteen years of age or older but under sixteen years  
186 of age. [, a class C felony.]

187 (3) Sexual assault in the third degree is a class A felony if the victim  
188 of the offense is under thirteen years of age and any person found  
189 guilty of such class A felony shall, for a first offense, be sentenced to a  
190 term of imprisonment of twenty-five years which may not be  
191 suspended or reduced by the court and, for a subsequent offense, be  
192 sentenced to a term of life imprisonment.

193 Sec. 507. Section 53a-86 of the general statutes is repealed and the  
194 following is substituted in lieu thereof (*Effective July 1, 2006*):

195 (a) A person is guilty of promoting prostitution in the first degree  
196 when [he] such person knowingly: (1) Advances prostitution by  
197 compelling a person by force or intimidation to engage in prostitution,  
198 or profits from coercive conduct by another; or (2) advances or profits  
199 from prostitution of a person less than sixteen years old.

200 (b) [Promoting] (1) Except as provided in subdivision (2) of this  
201 subsection, promoting prostitution in the first degree is a class B  
202 felony.

203 (2) Promoting prostitution in the first degree is a class A felony if  
204 the victim of the offense is under thirteen years of age and any person  
205 found guilty of such class A felony shall, for a first offense, be

206 sentenced to a term of imprisonment of twenty-five years which may  
207 not be suspended or reduced by the court and, for a subsequent  
208 offense, be sentenced to a term of life imprisonment.

209 Sec. 508. Section 53a-87 of the general statutes is repealed and the  
210 following is substituted in lieu thereof (*Effective July 1, 2006*):

211 (a) A person is guilty of promoting prostitution in the second degree  
212 when [he] such person knowingly: (1) Advances or profits from  
213 prostitution by managing, supervising, controlling or owning, either  
214 alone or in association with others, a house of prostitution or a  
215 prostitution business or enterprise involving prostitution activity by  
216 two or more prostitutes; or (2) advances or profits from prostitution of  
217 a person less than eighteen years old.

218 (b) [Promoting] (1) Except as provided in subdivision (2) of this  
219 subsection, promoting prostitution in the second degree is a class C  
220 felony.

221 (2) Promoting prostitution in the second degree is a class A felony if  
222 the victim of the offense is under thirteen years of age and any person  
223 found guilty of such class A felony shall, for a first offense, be  
224 sentenced to a term of imprisonment of twenty-five years which may  
225 not be suspended or reduced by the court and, for a subsequent  
226 offense, be sentenced to a term of life imprisonment.

227 Sec. 509. Section 53a-90a of the general statutes is repealed and the  
228 following is substituted in lieu thereof (*Effective July 1, 2006*):

229 (a) A person is guilty of enticing a minor when such person uses an  
230 interactive computer service to knowingly persuade, induce, entice or  
231 coerce any person under sixteen years of age to engage in prostitution  
232 or sexual activity for which the actor may be charged with a criminal  
233 offense. For purposes of this section, "interactive computer service"  
234 means any information service, system or access software provider  
235 that provides or enables computer access by multiple users to a  
236 computer server, including specifically a service or system that



237 provides access to the Internet and such systems operated or services  
238 offered by libraries or educational institutions.

239 (b) [Enticing] (1) Except as provided in subdivision (2) of this  
240 subsection, enticing a minor is a class D felony for a first offense, a  
241 class C felony for a second offense and a class B felony for any  
242 subsequent offense.

243 (2) Enticing a minor is a class A felony if the victim of the offense is  
244 under thirteen years of age and any person found guilty of such class  
245 A felony shall, for a first offense, be sentenced to a term of  
246 imprisonment of twenty-five years which may not be suspended or  
247 reduced by the court and, for a subsequent offense, be sentenced to a  
248 term of life imprisonment.

249 Sec. 510. Section 53a-196 of the general statutes is repealed and the  
250 following is substituted in lieu thereof (*Effective July 1, 2006*):

251 (a) A person is guilty of obscenity as to minors when [he] such  
252 person knowingly promotes to a minor, for monetary consideration,  
253 any material or performance which is obscene as to minors.

254 (b) For purposes of this section, "knowingly" means having general  
255 knowledge of or reason to know or a belief or ground for belief which  
256 warrants further inspection or inquiry as to (1) the character and  
257 content of any material or performance which is reasonably susceptible  
258 of examination by such person, and (2) the age of the minor.

259 (c) In any prosecution for obscenity as to minors, it shall be an  
260 affirmative defense that the defendant made (1) a reasonable mistake  
261 as to age, and (2) a reasonable bona fide attempt to ascertain the true  
262 age of such minor, by examining a draft card, driver's license, birth  
263 certificate or other official or apparently official document, exhibited  
264 by such minor, purporting to establish that such minor was seventeen  
265 years of age or older.

266 (d) [Obscenity] (1) Except as provided in subdivision (2) of this

267 subsection, obscenity as to minors is a class D felony.

268 (2) Obscenity as to minors is a class A felony if the victim of the  
269 offense is under thirteen years of age and any person found guilty of  
270 such class A felony shall, for a first offense, be sentenced to a term of  
271 imprisonment of twenty-five years which may not be suspended or  
272 reduced by the court and, for a subsequent offense, be sentenced to a  
273 term of life imprisonment.

274 Sec. 511. Section 53a-196a of the general statutes is repealed and the  
275 following is substituted in lieu thereof (*Effective July 1, 2006*):

276 (a) A person is guilty of employing a minor in an obscene  
277 performance when [(1) he] such person (1) employs any minor,  
278 whether or not such minor receives any consideration, for the purpose  
279 of promoting any material or performance which is obscene as to  
280 minors, notwithstanding that such material or performance is intended  
281 for an adult audience, or (2) [he] permits any such minor to be  
282 employed, whether or not such minor receives any consideration, in  
283 the promotion of any material or performance which is obscene as to  
284 minors, notwithstanding that such material or performance is intended  
285 for an adult audience, and [he] such person is the parent or guardian  
286 of such minor or otherwise responsible for the general supervision of  
287 such minor's welfare.

288 (b) Employing a minor in an obscene performance is a class A felony  
289 and any person found guilty under this section shall, for a first offense,  
290 be sentenced to a term of imprisonment of twenty-five years which  
291 may not be suspended or reduced by the court and, for a subsequent  
292 offense, be sentenced to a term of life imprisonment.

293 Sec. 512. Section 53a-196b of the general statutes is repealed and the  
294 following is substituted in lieu thereof (*Effective July 1, 2006*):

295 (a) A person is guilty of promoting a minor in an obscene  
296 performance when [he] such person knowingly promotes any material  
297 or performance in which a minor is employed, whether or not such

298 minor receives any consideration, and such material or performance is  
299 obscene as to minors notwithstanding that such material or  
300 performance is intended for an adult audience.

301 (b) For purposes of this section, "knowingly" means having general  
302 knowledge of or reason to know or a belief or ground for belief which  
303 warrants further inspection or inquiry as to (1) the character and  
304 content of any material or performance which is reasonably susceptible  
305 of examination by such person, and (2) the age of the minor employed.

306 (c) [Promoting] (1) Except as provided in subdivision (2) of this  
307 subsection, promoting a minor in an obscene performance is a class B  
308 felony.

309 (2) Promoting a minor in an obscene performance is a class A felony  
310 if the victim of the offense is under thirteen years of age and any  
311 person found guilty of such class A felony shall, for a first offense, be  
312 sentenced to a term of imprisonment of twenty-five years which may  
313 not be suspended or reduced by the court and, for a subsequent  
314 offense, be sentenced to a term of life imprisonment.

315 Sec. 513. Section 53a-35a of the general statutes is repealed and the  
316 following is substituted in lieu thereof (*Effective July 1, 2006*):

317 For any felony committed on or after July 1, 1981, the sentence of  
318 imprisonment shall be a definite sentence and the term shall be fixed  
319 by the court as follows: (1) For a capital felony, a term of life  
320 imprisonment without the possibility of release unless a sentence of  
321 death is imposed in accordance with section 53a-46a; (2) for the class A  
322 felony of murder or for a class A felony as provided in section 53-21,  
323 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-86, 53a-87, 53a-90a, 53a-196, 53a-  
324 196a or 53a-196b, as amended by this act, where the victim of the  
325 offense was under thirteen years of age, a term not less than twenty-  
326 five years nor more than life; (3) for a class A felony other than  
327 [murder] an offense specified in subdivision (2) of this section, a term  
328 not less than ten years nor more than twenty-five years; (4) for the class  
329 B felony of manslaughter in the first degree with a firearm under

330 section 53a-55a, a term not less than five years nor more than forty  
331 years; (5) for a class B felony other than manslaughter in the first  
332 degree with a firearm under section 53a-55a, a term not less than one  
333 year nor more than twenty years, except that for a conviction under  
334 section 53a-59(a)(1), 53a-59a, 53a-70a, 53a-94a, 53a-101(a)(1) or 53a-  
335 134(a)(2), the term shall be not less than five years nor more than  
336 twenty years; (6) for a class C felony, a term not less than one year nor  
337 more than ten years, except that for a conviction under section 53a-56a,  
338 the term shall be not less than three years nor more than ten years; (7)  
339 for a class D felony, a term not less than one year nor more than five  
340 years, except that for a conviction under section 53a-60b or 53a-217, as  
341 amended, the term shall be not less than two years nor more than five  
342 years, for a conviction under section 53a-60c, the term shall be not less  
343 than three years nor more than five years, and for a conviction under  
344 section 53a-216, the term shall be five years; (8) for an unclassified  
345 felony, a term in accordance with the sentence specified in the section  
346 of the general statutes that defines the crime.

347 Sec. 514. (NEW) (*Effective July 1, 2006*) Any person who is released  
348 on parole or special parole after being convicted of a violation of  
349 subdivision (2) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-  
350 72a, 53a-86, 53a-87, 53a-90a, 53a-196, 53a-196a or 53a-196b of the  
351 general statutes, as amended by this act, where the victim of the  
352 offense was under thirteen years of age, shall, as a condition of such  
353 parole or special parole, be subject to electronic monitoring that shall  
354 include the use of a global positioning system for the duration of such  
355 person's period of parole or special parole."